

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Collins Iheme,

Civil No. 12-3122 (DWF/JJK)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Minnesota Public Health Department,
Minnesota Department of Human Service,
and Guardian Ad Latim,

Respondents.

This matter is before the Court upon Petitioner Michael Collins Iheme's ("Petitioner") objections (Doc. No. 14) to Magistrate Judge Jeffrey J. Keyes's December 18, 2012 Report and Recommendation (Doc. No. 5) insofar as it recommends that: (1) Petitioner's application for a writ of habeas corpus be denied; (2) Petitioner's application for leave to proceed *in forma pauperis* be denied; and (3) Petitioner should not be granted a Certificate of Appealability. Respondent Minnesota Public Health Department filed a memorandum in response to Petitioner's objections on March 22, 2013. (Doc. No. 16.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Having carefully reviewed the record, the Court concludes that Petitioner's objections offer no basis for departure from the Report and Recommendation. The Court concludes, as did Magistrate Judge Keyes, that a writ of habeas corpus is not an appropriate means of challenging a state court order terminating parental rights. *See Lehman v. Lycoming Cnty. Children's Servs. Agency*, 458 U.S. 502, 516 (1982); *Amerson v. Iowa Dept. of Human Servs.*, 59 F.3d 92, 94 (8th Cir. 1995). Petitioner's petition for a writ of habeas corpus is thus properly denied.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Michael Collins Iheme's objections (Doc. No. [14]) to Magistrate Judge Jeffrey J. Keyes's December 18, 2012 Report and Recommendation are

OVERRULED.

2. Magistrate Judge Jeffrey J. Keyes's December 18, 2012 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.

3. Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. [1]) is **DENIED**.

4. Petitioner's application for leave to proceed *in forma pauperis* (Doc. No. [3]) is **DENIED**.

5. Petitioner is **NOT** granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 2, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge